

CERTIFICATE OF MAILING

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on January 12, 2005  
 Date of Mailing  
Matthew E. Leno  
 Applicant, Assignee or Registered Representative  
 Signature  
January 12, 2005  
 Date of Signature



<b>RESPONSE TO OFFICE ACTION TRANSMITTAL LETTER</b>			ATTORNEY'S DOCKET NO. 24180-715001
APPLN. NO. 10/607,654	FILING DATE June 27, 2003	EXAMINER D. Tarazano	GROUP ART UNIT 1773
INVENTOR(S) Curie, et al.			
TITLE OF INVENTION Transparent Multilayer Polypropylene Container With Barrier Protection			

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is the Response to Office Action dated December 29, 2004.

- ☐ Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish a small entry status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ A request for a \_\_\_\_-month extension of time is enclosed.
- ☒ No additional claim fee is required.
- ☐ The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL		MINUS	20	
INDEP		MINUS	3	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

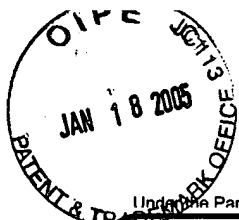
SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
RATE	ADD'L FEE		RATE	ADD'L FEE
x \$9 =	\$0		x \$18 =	\$
x \$43 =	\$0		x \$86 =	\$
x \$145 =	\$		x \$290 =	\$
TOTAL ADD'L FEE	\$	OR	TOTAL ADD'L FEE	\$

- ☒ Please charge Deposit Account No. 13-0206 in the amount of \$110.00 for the Response to Office Action and Terminal Disclaimer. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 associated with this communication or credit any overpayment to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.
- ☐ I hereby petition under 37 CFR 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.

January 12, 2005  
 (Date)

SIGNATURE:   
 ATTORNEY NAME: Matthew E. Leno  
 REGISTRATION NO: 41,149

MCDERMOTT WILL & EMERY LLP  
 227 WEST MONROE STREET  
 CHICAGO, ILLINOIS 60606  
 tel: 312.372.2000  
 fax: 312.987.7700



PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110

**Complete if Known**

Application Number	10/607,654
Filing Date	June 27, 2003
First Named Inventor	Curie et al.
Examiner Name	D. Tarazano
Art Unit	1773
Attorney Docket No.	24180-715001

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 13-0206 Deposit Account Name: McDermott Will & Emery LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
0 - 20 or HP = 0	x 50	= 0	

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
0 - 3 or HP = 0	x 200	= 0	

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		0

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: Terminal Disclaimer

110

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	41,149	Telephone	312.372.2000
Name (Print/Type)	Matthew E. Leno	Date	January 12, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. 24180-715001

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re U.S. Patent Application of:

Applicant: CURIE *et al.*

Serial No.: <sup>10</sup>/607,654

Filed: June 27, 2003

For: **TRANSPARENT MULTILAYER  
POLYPROPYLENE CONTAINER  
WITH BARRIER PROTECTION**

Examiner: Donald Lawrence Tarazano

Art Unit: 1773

Certificate of Mailing

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) documents referred to as attached or enclosed) is being  
) deposited with the U.S. Postal Service with sufficient  
) postage as first class mail in an envelope addressed to:  
) Mail Stop AF, Commissioner for Patents, P.O. Box  
) 1450, Alexandria, VA 22313-1450.

Signature

January 12, 2005

Date of Signature

**AMENDMENT UNDER 37 C.F.R. §1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This paper is submitted in response to the office action dated December 29, 2004.

Reconsideration of the present application in light of this paper is respectfully requested.

Claims 21-41 stand rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-52 of U.S. Patent No. 6,677,013. Applicants submit herewith a terminal disclaimer to overcome the outstanding double patenting rejection provisional rejection. The submission of this terminal disclaimer shall not be construed as an admission that the pending claims are obvious over any of the claims of U.S. Patent No. 6,677,013.

In view of the foregoing, Applicants respectfully request that the Examiner indicate

Serial No. 10/607,654

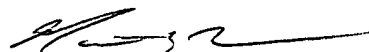
all claims as allowable. If, however, any outstanding issues remain, Applicants urge the Examiner to telephone Applicants' attorney at 312-372-2000 so that the same may be resolved expeditiously.

Respectfully submitted,

**McDERMOTT WILL & EMERY LLP**

Date: January 12, 2005

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Telephone: 312.372.2000



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